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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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In re ANDRE TOLIVER,

No. C 12-03064 YGR (PR)

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ORDER OF TRANSFER

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This action was opened on June 15, 2012, when the Court received from Inmate Andre Toliver a letter to the Honorable Thelton E. Henderson that concerned prison conditions. On that date, the Clerk of the Court notified Mr. Toliver in writing that his action was deficient in that he had not submitted his complaint on a proper complaint form and had not submitted an *in forma pauperis* application. The Court further notified him that this action would be dismissed he if did not submit a complaint on the proper form and a completed *in forma pauperis* application within thirty days.

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Further review of Mr. Toliver's case reveals that, in addition to failing to submit the proper documents, he has also initiated his civil action in the wrong judicial district. Mr. Toliver's letter states that he is currently incarcerated at California State Prison - Los Angeles County (CSP-LAC) in Lancaster, California. He alleges that he has had a "mobility issue since the 1990's," and that the medical staff at CSP-LAC have "taken [his] wheelchair . . . [on] May 29 . . ." (June 15, 2012 Letter at 1.)

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CSP-LAC is located in the Western Division of the Central District of California, and it appears that Defendants reside in that district. Venue, therefore, properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b).

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Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the Western Division of the United States District Court for the Central District of California. The Clerk of the Court shall transfer the case forthwith.

1 If he wishes to further pursue this action, Mr. Toliver must complete the complaint form and
2 *in forma pauperis* application required by the Western Division of the United States District Court
3 for the Central District of California and mail them to that district.

4 IT IS SO ORDERED.

5 DATED: July 9, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE